# UNITED STATES PATENT AND TRADEMARK OFFICE

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 10/598,551 | 09/05/2006 | Michael Foster | 134188WOUS | 7217 |

35114          7590          02/22/2008

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| EXAMINER |
|---|
| MCLEOD, MARSHALL M |

| ART UNIT | PAPER NUMBER |
|---|---|
| 4152 | |

| MAIL DATE | DELIVERY MODE |
|---|---|
| 02/22/2008 | PAPER |

## Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *05 September 2006*.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1-23* is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *1-23* is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☒ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some *   c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.
4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

## DETAILED ACTION

1.      Claims 1-23 are pending in this application.


### *Claim Rejections - 35 USC § 103*

2.      The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains.  Patentability shall not be negatived by the
> manner in which the invention was made.



3.      **Claims 1-23 are a rejected under 35 U.S.C. 10(a) as being unpatentable over del Val**

**et al. (Patent No US 6,763,392 B1), hereinafter del Val and further in view of Real Time**

**Streaming Protocol (RTSP) ((Schulzrinne et al. 03 March 2003) (draft-draft-ietf-mmusic-**

**rfc2326bis)), hereinafter Schulzrinne.**


4.      With respect to claim 1, del Val discloses a method for retrieving digital multimedia

content from a network node (Figure 1; Column 2, lines 41-45), comprising:

    a.      generating a Real Time Streaming Protocol (RTSP) SET_PARAMETER message

    to said network node by a client application executing on a digital multimedia device

    (Column 7, lines 41-50; i.e. network node reads on server).

del Val does not disclose a message containing at least one of a playlist identifier, a media clip

index and a clip offset as well as an indication of an activation time; and

> b.      transferring digital multimedia content to said digital multimedia device by said
>
> network node from a particular content source identified by at least one of said playlist
>
> identifier and said media clip index, said transferring commencing at a time determined
>
> responsive to said indication of said activation time .

However, Schulzrinne discloses a message containing at least one of a playlist identifier

((Overall Operation) Paragraph 1.7, lines 1-2), a media clip index and a clip offset as well as an

indication of an activation time ((PLAY) Paragraph 11.4, lines 26-36); and

> c.      transferring digital multimedia content to said digital multimedia device by said
>
> network node from a particular content source identified by at least one of said playlist
>
> identifier ((Overall Operation) Paragraph 1.7, lines 1-2) and said media clip index
>
> ((Purpose) Paragraph 1.2, lines 1-21), said transferring commencing at a time determined
>
> responsive to said indication of said activation time ((PLAY) Paragraph 11.4, lines 26-
>
> 36).

It would have been obvious to a person skilled in the art at the time of the invention to modify

the teachings of del Val with the teachings of Schulzrinne in order to make media streaming

more efficient and easier for the end user (client) through time management use of an activation

time and playlist identifier.

5.    With respect to claim 9, del Val discloses a system for retrieving digital multimedia

content from a network node (Figure 1; Column 2, lines 41-45; i.e. client device reads on a

system), comprising:

    d.    means associated with a client application executing on a digital multimedia

    device (Column 4, lines 45-52) for generating a Real Time Streaming Protocol (RTSP)

    SET_PARAMETER message to said network node by a client application executing on a

    digital multimedia device (Column 7, lines 41-50; i.e. network node reads on server).


del Val does not disclose a message containing at least one of a playlist identifier, a media clip

index and a clip offset as well as an indication of an activation time; and

    e.    means for transferring digital multimedia content to said digital multimedia

    device by said network node from a particular content source identified by at least one of

    said playlist identifier and said media clip index, said transferring commencing at a time

    determined responsive to said indication of said activation.


However, Schulzrinne discloses a message containing at least one of a playlist identifier

((Overall Operation) Paragraph 1.7, lines 1-2), a media clip index and a clip offset as well as an

indication of an activation time ((PLAY) Paragraph 11.4, lines 26-36); and

    f.    means for transferring digital multimedia content to said digital multimedia

    device by said network node from a particular content source identified by at least one of

    said playlist identifier ((Overall Operation) Paragraph 1.7, lines 1-2) and said media clip

    index ((Purpose) Paragraph 1.2, lines 1-21), said transferring commencing at a time

determined responsive to said indication of said activation time ((PLAY) Paragraph 11.4,

lines 26-36).

It would have been obvious to a person skilled in the art at the time of the invention to modify

the teachings of del Val with the teachings of Schulzrinne in order to make media streaming

more efficient and easier for the end user (client) through time management use of an activation

time and playlist identifier.


6.      With respect to claim 17, del Val discloses a digital multimedia device operable to

retrieve digital multimedia content from a network node (Figure 1; Column 2, lines 41-45; i.e.

client device reads on a digital multimedia device), comprising:

>    g.      logic for generating a Real Time Streaming Protocol (RTSP) SET_PARAMETER
>
>    message to said network node by a client application executing on a digital multimedia
>
>    device (Column 7, lines 41-50; i.e. network node reads on server),
>
>    h.      a player engine operable to play back streaming content (Column 4, lines 55-56)
>
>    from a particular content source.


del Val does not disclose a message containing at least one of a playlist identifier, a media clip

index and a clip offset as well as an indication of an activation time; and

>    i.      source identified by at least one of said playlist identifier and said media clip
>
>    index, said transferring commencing at a time determined responsive to said indication of
>
>    said activation time.

However, Schulzrinne discloses a message containing at least one of a playlist identifier

((Overall Operation) Paragraph 1.7, lines 1-2), a media clip index and a clip offset as well as an

indication of an activation time ((PLAY) Paragraph 11.4, lines 26-36); and

> j.        source identified by at least one of said playlist identifier ((Overall Operation)
>
> Paragraph 1.7, lines 1-2) and said media clip index ((Purpose) Paragraph 1.2, lines 1-21),
>
> said transferring commencing at a time determined responsive to said indication of said
>
> activation time ((PLAY) Paragraph 11.4, lines 26-36).

It would have been obvious to a person skilled in the art at the time of the invention to modify

the teachings of del Val with the teachings of Schulzrinne in order to make media streaming

more efficient and easier for the end user (client) through time management use of an activation

time and playlist identifier.


7.      With respect to claims 2, 10 and 18, del Val discloses wherein said RTSP

SET_PARAMETER message is generated while said network node is streaming digital

multimedia content to said digital multimedia device from a previously identified content source

(Column 7, lines 41-51).


8.      With respect to claims 3, 11 and 19, the claims are rejected for the same reasons as claim

1 above.  In addition Schulzrinne discloses wherein said previously identified content source

comprises a media clip and said network node continues to stream from said media clip until said

media clip's boundary is reached ((SDP Attributes) Paragraph 18.7, Table 9: State: Ready, lines

20-22).

9.      With respect to claims 4, 12 and 20, del Val discloses wherein said previously identified content source comprises a media clip and said network node terminates streaming from said media clip substantially immediately upon receiving another SET_PARAMETER message from said client application (Column 4, lines 45-52; i.e. RTSP encompasses the SET_PARAMETER message and it is shown by the statement in the prior art VCR remote control…provides the ability to pause, play…etc. which would include the stop/terminate feature/function.

10.     With respect to claims 5, 13 and 21, the claims are rejected for the same reasons as claim 1 above.  In addition Schulzrinne discloses wherein said network node comprises means for returning a Normal Play Time (NPT) value to said client application in response to said RTSP SET_PARAMETER message ((PLAY) Paragraph 11.4, lines 36-44).

11.     With respect to claims 6, 14 and 22, del Val discloses wherein said digital multimedia device accesses said network node over at least one of a wireline network, a wireless network, and a cable network (Column 3, lines 64-67 and continued through to Column 4, lines 1-3).

12.     With respect to claims 7 and 15, del Val discloses wherein said digital multimedia device comprises at least one of: digital music players, digital video players, computers, and handheld communication devices enabled to accept streaming media (Column 2, lines 62-67).

13.    With respect to claims 8, 16 and 23, the claims are rejected for the same reasons as claim

1 above.  In addition Schulzrinne discloses wherein said activation time is operable to assume a

value selected from NOW ((PLAY) Paragraph 11.4, lines 50-56), END OF CLIP, and END OF

PLAYLIST ((SDP Attributes) Paragraph 18.7, Table 9: State: Ready, lines 39-42).


*Conclusion*


14.    The prior art made of record and not relied upon is considered pertinent to applicants

disclosure.

      a.    Roth et al. (Pub. No US 2004/0003101 A1) discloses improved caching control

      for streaming media.

      b.    Choi et al. (Pub. No US 2003/0236905 A1) discloses a system and method for

      automatically recover from broken network connections in streaming media scenarios.

      c.    Gallou et al. (Pub. No US 2007/0143490 A1) discloses a data requesting device

      from a data server, comprising means for sending requests of determined data to the

      server, means for receiving streamed data from that server and for providing said data to

      processing means.


15.    Any inquiry concerning this communication or earlier communications from the

examiner should be directed to MARSHALL MCLEOD whose telephone number is (571)270-

3808.  The examiner can normally be reached on Monday - Friday  7:30 a.m-5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Nabil El-Hady can be reached on (571) 272-3963. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

M.M.          2/14/2008

/Nabil El-Hady, Ph.D, M.B.A./
Supervisory Patent Examiner, Art Unit 4152